

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Daniel Michniak
Melinda Michniak**
Debtor(s)

Bankruptcy Case No.: 19-24491-CMB
11/19/2020
Chapter: 13
Docket No.: 46 – 37
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 10/27/2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: (1) Secured claims of Nissan Motor Acceptance Corp (C1 #1) and Wells Fargo (C1 #5) to be paid collateral values as provided for in plan, at plan interest, in monthly amount determined by Trustee to pay in full. (2) Plan confirmation recommended based on UNS POT of \$33,584. In the event the 506 actions are unsuccessful, the additional amounts will be paid (unless otherwise ordered) by increase in plan payment rather than reduction of UNS POT. (3) The secured claim of the following creditor shall govern, and then following all allowed post-petition payment change notices filed of record: Round Point Mortgage (C1 #22). THE CONFIRMATION ORDER AT DOC. #43 IS VACATED

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.


B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: March 2, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Daniel Michniak
Melinda Michniak
Debtors

Case No. 19-24491-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Mar 02, 2021

User: dsaw
Form ID: 149

Page 1 of 3
Total Noticed: 49

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 04, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Daniel Michniak, Melinda Michniak, 205 Birchwood Lane, Imperial, PA 15126-1403
cr	+ Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
15159663	+ ADS/Comenity/Alphaeon, PO Box 182120, Columbus, OH 43218-2120
15159665	+ CBNA/Best Buy, PO Box 6497, Sioux Falls, SD 57117-6497
15185033	Citibank, N.A., 5800 S Corporate Pl, Sioux Falls, SD 57108-5027
15159666	+ Citicards, PO Box 6500, Sioux Falls, SD 57117-6500
15159669	+ Greater Pittsburgh Orthopaedic Associate, 5820 Centre Avenue, Pittsburgh, PA 15206-3710
15159670	+ Heritage Valley Health System, 200 Ohio River Blvd, 2nd Floor, Baden, PA 15005-1914
15159672	+ Heritage Valley Sewickley, 720 Blackburn Road, Sewickley, PA 15143-1459
15159673	+ Heritage Valley Sewickley, PO Box 536366, Pittsburgh, PA 15253-5905
15159674	+ Heritage Valley Sewickley Hospital, 720 Blackburn Road, Sewickley, PA 15143-1459
15178132	+ JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
15161950	Nissan Motor Acceptance, POB 660366, Dallas, TX 75266-0366
15159677	Nissan Motor Acceptance Corporation, PO Box 660360, Dallas, TX 75266-0360
15169258	+ PCA Acquisition V, LLC c/o, Phillips & Cohen Associates, LTD, 1002 Justison Street, Wilmington DE 19801-5148
15190289	+ RoundPoint Mortgage Servicing Corporation, 446 Wrenplace Road, Fort Mill, SC 29715-0200
15159681	+ Roundpoint Mortgage, PO Box 19409, Charlotte, NC 28219-9409
15159686	+ TD Bank USA/Target Credit, PO Box 673, Minneapolis, MN 55440-0673
15159687	+ The Home Depot/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
15159688	+ The Home Depot/Citibank, PO Box 6497, Sioux Falls, SD 57117-6497
15184723	UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
15185272	UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
15159690	+ Wells Fargo Bank NA, PO Box 14517, Des Moines, IA 50306-3517
15187329	Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438
15159691	+ Zwicker & Associates, PC, 3220 Tillman Drive, Ste 215, Bensalem, PA 19020-2028

TOTAL: 25

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Mar 03 2021 02:41:27	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15159665	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Mar 03 2021 02:37:53	CBNA/Best Buy, PO Box 6497, Sioux Falls, SD 57117-6497
15159664	+ Email/Text: cms-bk@cms-collect.com	Mar 03 2021 02:31:00	Capital management Services LP, 698 1/2 South Ogden Street, Buffalo, NY 14206-2317
15185033	Email/PDF: Citi.BNC.Correspondence@citi.com	Mar 03 2021 02:41:45	Citibank, N.A., 5800 S Corporate Pl, Sioux Falls, SD 57108-5027
15159666	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Mar 03 2021 02:39:48	Citicards, PO Box 6500, Sioux Falls, SD

District/off: 0315-2

User: dsaw

Page 2 of 3

Date Rcvd: Mar 02, 2021

Form ID: 149

Total Noticed: 49

			57117-6500
15159667	+ Email/Text: clientservices@credit-control.com	Mar 03 2021 02:32:00	Credit Controls LLC, 5757 Phantom Drive, Ste 330, Hazelwood, MO 63042-2429
15159668	Email/Text: mrdiscen@discover.com	Mar 03 2021 02:31:00	Discover Financial Services, PO Box 15316, Wilmington, DE 19850
15162685	Email/Text: mrdiscen@discover.com	Mar 03 2021 02:31:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15188668	+ Email/Text: kbarkley@bernsteinlaw.com	Mar 03 2021 02:32:00	Duquesne Light Company, c/o Bernstein-Barkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
15186924	Email/Text: JCAP_BNC_Notices@jcap.com	Mar 03 2021 02:32:00	Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-9617
15159675	Email/PDF: ais.chase.ebn@americaninfosource.com	Mar 03 2021 02:41:24	JPMCB Card, PO Box 15369, Wilmington, DE 19850
15162842	Email/PDF: resurgentbknofications@resurgent.com	Mar 03 2021 02:39:36	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15159676	Email/Text: e-bankruptcy@nasafcu.com	Mar 03 2021 02:31:00	NASA Federal Credit Union, 500 Prince Georges Blvd, Upper Marlboro, MD 20774
15187684	Email/Text: e-bankruptcy@nasafcu.com	Mar 03 2021 02:31:00	NASA Federal Credit Union, P.O. Box 1588, Bowie MD 20717
15159678	Email/Text: Bankruptcy.Notices@pnc.com	Mar 03 2021 02:31:00	PNC Bank N.A., PO Box 3180, Pittsburgh, PA 15230
15189226	+ Email/Text: Bankruptcy.Notices@pnc.com	Mar 03 2021 02:31:00	PNC Bank, National Association, PO Box 94982, Cleveland OH 44101-4982
15185958	Email/Text: bnc-quantum@quantum3group.com	Mar 03 2021 02:32:00	Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788, Kirkland, WA 98083-0788
15159679	+ Email/PDF: resurgentbknofications@resurgent.com	Mar 03 2021 02:37:40	Resurgent/LVNV Funding, PO Box 1269, Greenville, SC 29602-1269
15190130	Email/Text: lhunsaker@sofi.org	Mar 03 2021 02:31:00	SoFi Lending Corp, 2750 E Cottonwood Pkwy Suite 300, Cottonwood Heights, UT 84121
15159683	+ Email/PDF: gecsed@recoverycorp.com	Mar 03 2021 02:39:31	SYNCB/JC Penney, PO Box 965007, Orlando, FL 32896-5007
15159684	+ Email/PDF: gecsed@recoverycorp.com	Mar 03 2021 02:37:34	SYNCB/TJX Cos DC, PO Box 965015, Orlando, FL 32896-5015
15159685	+ Email/PDF: gecsed@recoverycorp.com	Mar 03 2021 02:39:31	SYNCB/Toys R Us, PO Box 965005, Orlando, FL 32896-5005
15159682	+ Email/Text: specialservicing@sofi.com	Mar 03 2021 02:32:00	SoFi Lending Corporation, One Letterman Drive, Building A, San Francisco, CA 94129-1512
15160736	+ Email/PDF: gecsed@recoverycorp.com	Mar 03 2021 02:39:31	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15190609	+ Email/Text: bncmail@w-legal.com	Mar 03 2021 02:32:00	TD Bank USA, N.A., C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
15159687	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Mar 03 2021 02:41:43	The Home Depot/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
15159688	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Mar 03 2021 02:41:44	The Home Depot/Citibank, PO Box 6497, Sioux Falls, SD 57117-6497
15159689	+ Email/Text: BankruptcyNotice@upmc.edu	Mar 03 2021 02:32:00	UPMC, 2 Hot Metal Street, Dist. room 386, Pittsburgh, PA 15203-2348
15182363	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM		

District/off: 0315-2

User: dsaw

Page 3 of 3

Date Rcvd: Mar 02, 2021

Form ID: 149

Total Noticed: 49

Mar 03 2021 02:41:36

Verizon, by American InfoSource as agent, PO
Box 4457, Houston, TX 77210-4457

TOTAL: 29

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		RoundPoint Mortgage Servicing Corporation
15159671	*+	Heritage Valley Health System, 200 Ohio River Blvd 2nd Floor, Baden, PA 15005-1914
15159680	##+	Roundpoint Mortgage, 5032 Parkway Plaza Blvd, Charlotte, NC 28217-1918

TOTAL: 1 Undeliverable, 1 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 04, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 2, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor RoundPoint Mortgage Servicing Corporation bnicholas@kmlawgroup.com
Max C. Feldman	on behalf of Joint Debtor Melinda Michniak mcfeldman@verizon.net
Max C. Feldman	on behalf of Debtor Daniel Michniak mcfeldman@verizon.net
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
S. James Wallace	on behalf of Creditor Peoples Natural Gas Company LLC ccfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com

TOTAL: 6